

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARAJ KIDWAI,

Plaintiff,

v.

ST. MATTHEWS UNIVERSITY SCHOOL
OF MEDICINE, JOHN P. DOCHERTY, W.
CHRISTOPHER CROLEY and BARRY J.
COOPER,

Civil Action No. 4:12-CV-00455

Defendants.

AFFIDAVIT OF JOHN MARVIN

1. I am the Chancellor of St. Matthew's University School of Medicine ("SMU"), and in that capacity I have personal knowledge of the matters set forth in this Affidavit.

2. SMU is located in the Cayman Islands, which has granted SMU a charter to provide education in medicine leading to the degree of Doctor of Medicine (M.D.).

3. SMU's principal place of business is in the Cayman Islands, where all of its educational facilities and certain of its administrative offices are located.

4. SMU also has administrative offices in Orlando, Florida. SMU has a business relationship with St. Matthew's University, Inc., a separate corporate entity located in Orlando, Florida, which provides certain administrative services to SMU.

5. I understand that this lawsuit arises from SMU's decision to change its graduation requirements to include the requirement that students pass what are known as the USMLE Step 2 exams. That decision was made and implemented in the Cayman Islands and Florida.

6. SMU is not incorporated in Texas, nor is it registered or licensed to do business there.

7. SMU is not required to, and does not, file tax returns in Texas, nor does it make any other form of administrative report or filing with the State of Texas.

8. SMU does not own, lease or otherwise occupy any property in Texas.

9. SMU has no offices, employees, telephone numbers or mailing addresses in Texas.

10. SMU does not maintain any bank or other accounts in Texas.

11. SMU does not have a registered agent for service of process in Texas.

12. SMU does not engage in any advertising or recruiting efforts specific to Texas.

13. SMU students who have completed their basic science education at SMU undertake clinical education in rotations at teaching hospitals in selected foreign countries and throughout the United States, including Texas. Those rotations consist of core rotations, for which SMU selects the hospital, and elective rotations, for which the student selects the hospital.

14. SMU does not place, and for more than ten years has not placed, any students at hospitals in Texas for core clinical rotations.

15. Over the past twelve years, on average, four SMU students per year participate in elective clinical rotations at hospitals in Texas.

16. The plaintiff in this case, Maraj Kidwai, did not participate in any clinical rotation in Texas while enrolled at SMU.

17. SMU's only ongoing contact with Texas is through Internet advertisements and its Internet website (<http://www.stmatthews.edu/>).

18. SMU's Internet advertisements are not targeted to Texas.

19. SMU's website is accessible to anyone online anywhere in the world, regardless of their location.

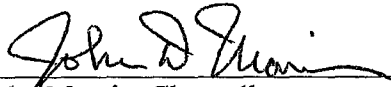
20. The plaintiff in this case, Maraj Kidwai, applied to SMU on or about December 7, 2006, by filling out an online application.

21. SMU's website cannot process and respond to applications submitted via the online application form. SMU communicates with applicants and others only by telephone, letter, or email, and not through SMU's website.

22. Throughout Kidwai's application process, all communications from SMU to Kidwai originated in Florida or the Cayman Islands.

23. Kidwai accepted SMU's offer of enrollment by signing a *Letter of Intent and Seat Deposit Form*. Neither that document nor any other document that could be deemed part of any agreement between SMU and Kidwai contains any choice of Texas law or choice of Texas as a forum.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 26, 2012


John Marvin, Chancellor

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UNITED STATES DISTRICT COURT
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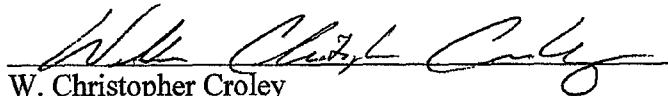
Civil Action No.: 4:12-CV-00455

Defendants.

AFFIDAVIT OF W. CHRISTOPHER CROLEY

1. I am a member of the St. Matthew's University School of Medicine ("SMU")
Board of Trustees.
2. I reside in Florida, where I have lived for the past year. Before that, I lived for 13
years in Illinois.
3. I do not have any residence in the state of Texas.
4. I do not own any property or maintain any mailing address in the state of Texas.
5. I do not maintain any bank or other accounts in the state of Texas.
6. I have not traveled to Texas on behalf of SMU or otherwise engaged in any
business in Texas related to SMU.

Subscribed and sworn to under the pains and penalties of perjury,


W. Christopher Croley

April 30, 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

MARAJ KIDWAI,

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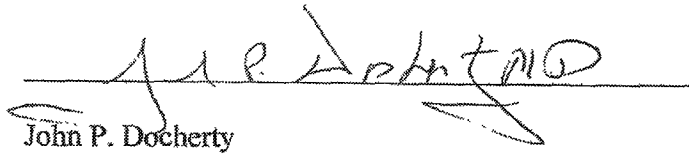
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Defendants.

AFFIDAVIT OF JOHN P. DOCHERTY

1. I am a member of the St. Matthew's University School of Medicine ("SMU") Board of Trustees.
2. I reside in 28 Baylis Lane, Bedford, NY 10506 and have done so for the past 12 years.
3. I do not have any residence in the state of Texas.
4. I do not own any property or maintain any mailing address in the state of Texas.
5. I do not maintain any bank or other accounts in the state of Texas.
6. I am not a party to the case State of Texas, ex rel. Allen Jones v. Janssen, L.P., No. D-1-GV-04-001288, filed in the 250th Judicial District Civil Court of Travis County, Texas, and I have not consented to jurisdiction in Texas in that or any other case.
7. I have not traveled to Texas on behalf of SMU or otherwise engaged in any business in Texas related to SMU.

Subscribed and sworn to under the pains and penalties of perjury,

A handwritten signature in black ink, appearing to read "John P. Docherty", is written over a horizontal line. The signature is stylized with a large, looped initial "J" and a distinct "P".

John P. Docherty

April 23, 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

MARAJ KIDWAI,

Plaintiff,

v.

ST. MATTHEWS UNIVERSITY SCHOOL OF
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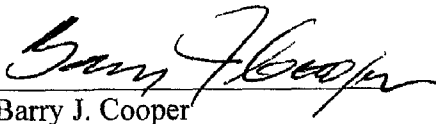
Defendants.

AFFIDAVIT OF BARRY J. COOPER

1. I am a past member of the St. Matthew's University School of Medicine ("SMU")
Board of Trustees.
2. I reside in Oregon and have done so for the past 12 years.
3. I do not have any residence in the state of Texas.
4. I do not own any property or maintain any mailing address in the state of Texas.
5. I do not maintain any bank or other accounts in the state of Texas.
6. I have not traveled to Texas on behalf of SMU or otherwise engaged in any
business in Texas related to SMU.

Subscribed and sworn to under the pains and penalties of perjury,

April 25, 2012


Barry J. Cooper